

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF MASSAGE THERAPISTS**

**March 15, 2021
Videoconference
State Office Building
333 Willoughby Ave., 9th Fl, Conference Room A
Juneau, AK**

In light of the current COVID-19 situation, no physical attendance will be accepted.

ZOOM Meeting:

<https://zoom.us/j/96649047798?pwd=Q0EyeTV4Y1prTmNmeUZNVHV3TmJiZz09>

Telephonic Call In: (408) 638-0968

Meeting ID: 966 4904 7798

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

1. 2:30 p.m. Roll Call
2. 2:35 p.m. Review Agenda
3. 2:40 p.m. Ethics Disclosure
4. 2:45 p.m. Regulation Projects: Adoption
 - 12 AAC 79.110, 79.210, 79.920, 79.930, 79.940
5. 3:30 p.m. Adjourn

STATE OF ALASKA 2021

HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01	New Year's Day
01/18	MLK Jr.'s Birthday
02/15	Presidents' Day
03/29	Seward's Day
05/31	Memorial Day
07/04	Independence Day (observed 7/5)
09/06	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/25	Thanksgiving Day
12/25	Christmas Day (observed 12/24)
01/01/22	New Year's Day (observed 12/31/21)

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



State calendar maintained by the
 Division of Finance,
 Department of Administration
<http://doa.alaska.gov/calendars.html>
 Revised 12/16/2019

JANUARY

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**Board of Massage Therapists
Goals and Objectives 2021**

Establishment Registration Program and Compliance Checks

In FY 2020 the Board will process the first applications of massage establishment registrations. This registration will provide an opportunity to investigative teams to address complaint driven concerns as compliance checks. The Board will work with Division's Investigations team to develop compliance check lists consistent with regulation to assist in on site establishment compliance checks.

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State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
 - accept compensation from anyone other than the State for performing official duties;
 - use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
 - take or withhold official action on a matter in which they have a personal or financial interest; or
 - coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

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State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *"Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. 5
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.6

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.7

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
 State of Alaska © 2016 Webmaster

Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**NOTICE OF PROPOSED CHANGES RELATING TO LICENSE REQUIREMENTS,
CONTINUING EDUCATION, AND MASSAGE THERAPY ESTABLISHMENTS IN THE
REGULATIONS OF THE ALASKA BOARD OF MASSAGE THERAPISTS**

BRIEF DESCRIPTION: The Board of Massage Therapists proposes to update regulations relating to license and continuing education requirements, and massage therapy establishment renewal and change of location requirements.

The Board of Massage Therapists (Board) proposes to adopt regulation changes in Title 12, Chapter 79 of the Alaska Administrative Code including the following:

1. **12 AAC 79.110. Application for licensure by credentials**, is proposed to be amended by adding a new subsection to allow the board to require additional documentation to substantiate the education claimed by the applicant.
2. **12 AAC 79.210. Continuing education requirements**, is proposed to be amended by adding documentation of a cardiopulmonary resuscitation course to the continuing education requirements, and updating CE credits for attending board meeting once every biennial licensing period.
3. **12 AAC 79.920. Application form and verifications for licensure**, is proposed to be amended by adding that any additional documentation required after approval by the board but before issuance of a license, must be submitted within six months or the applicant must reapply for licensure.
4. **12 AAC 79.930. Regulation of massage therapy establishments**, is proposed to be amended to require renewal of a massage therapy establishment registration, and amend the requirements for the change of location of a massage therapy establishment.
5. **12 AAC 79.940. Unregistered massage therapy establishment investigation**, is a proposed new section requiring an unregistered massage therapy establishment to pay an investigation fee required by 12 AAC 02.396, if investigated.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/201345>, and using the comment link. **The comments must be received not later than 4:30 p.m. on March 12, 2021.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than March 5, 2021 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MAS-0121.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.01.100; AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.100; AS 08.61.020; AS 08.61.030; AS 08.61.040; AS 08.61.050; AS 08.61.090

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 2/8/2021

/s/

Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

- 1. Adopting agency:** Board of Massage Therapists – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation:** Licensure by credentials, continuing education requirements, and massage therapy establishments.
- 3. Citation of regulation:** 12 AAC 79.110, 12 AAC 79.210, 12 AAC 79.920, 12 AAC 79.930, and 12 AAC 79.940.
- 4. Department of Law file number:** To be assigned.
- 5. Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
- 6. Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.

7. Estimated annual cost to comply with the proposed action to:

A private person: \$300 massage therapy establishment biennial registration renewal fee; \$65 massage therapy establishment change of location fee.

Another state agency: None known.

A municipality: None known.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

No costs are expected in FY 2021 or in subsequent years.

9. The name of the contact person for the regulation:

Cynthia Spencer, Licensing Supervisor

Alaska Board of Massage Therapists

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development

Telephone: (907) 465-6246

E-mail: cynthia.spencer@alaska.gov

10. The origin of the proposed action: Board of Massage Therapists.

11. Date: 2/8/2021

Prepared by: _____ /s/

Jun Maiquis
Regulations Specialist

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

Chapter 79. Massage Therapists.

12 AAC 79.110 is amended to read:

12 AAC 79.110. Application for licensure by credentials. (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section must submit

(1) a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) information related to the grounds of disciplinary sanctions under AS 08.61.060;

(C) the applicant's fingerprint information described in 12 AAC 79.130;

and

(D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;

(2) verification, sent directly from the appropriate agency to the division office, that the applicant

(A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or

(B) is certified by a board-approved credentialing entity; and

(3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) The board will, in its discretion, require additional documentation to substantiate the education claimed by the applicant prior to approving an applicant for licensure by credentials. (Eff. 1/17/2016, Register 217; am 4/17/2019, Register 230; am

3/25/2020, Register 233; am ____/____/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090
AS 08.61.030

12 AAC 79.210 is amended to read:

12 AAC 79.210. Continuing education requirements. (a) An applicant for renewal of a massage therapy license,

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses;

(2) for a biennial licensing period that begins on or after July 1, 2017, must document completion of at least 16 continuing education credits during the concluding licensing period, all of which may be met through Internet-based continuing education courses;

(3) for every other biennial licensing period that begins on or after October 1, 2019, must document that a minimum of two of the 16 continuing education credits required under (2) of this subsection are in ethics;

(4) must document completion of a cardiopulmonary resuscitation course as required by 12 AAC 79.200(b)(4).

(b) An applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) On or before June 30, 2019, an applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(d) On or after July 1, 2019, an applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of a bloodborne pathogens and universal and standard precautions course once every six years.

(e) Continuing education must be completed through a

(1) board-approved massage therapy or bodywork therapy school or training program;

(2) regionally or nationally accredited institution of higher education; a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and includes a bloodborne pathogens and universal and standard precautions course under (c) or (d) of this section; or

(3) local, state, or national professional organization that serves the massage therapy profession, including

(A) Associated Bodywork and Massage Professionals;

(B) the American Massage Therapy Association;

(C) the Federation of State Massage Therapy Boards; and

(D) the National Certification Board for Therapeutic Massage and

Bodywork.

(f) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(g) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(h) An applicant for renewal under (a) of this section may receive **three** [ONE] continuing education **credits** [CREDIT] for attending at least **75** [80] percent of a regularly scheduled board meeting once every biennial licensing period.

(i) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education. (Eff. 5/28/2016, Register 218; am 7/15/2016, Register 219; am 7/5/2017, Register 223; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am ___/___/_____, Register _____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.920 is amended to read:

12 AAC 79.920. Application form and verifications for licensure. (a) If, upon receipt by the division of the last document required to complete an application file, the file contains an application form or verification that has a postmark date that is more than six months old, the

document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the board or the board's designee.

(b) Verifications from massage schools and programs will not be considered stale under (a) of this section.

(c) An applicant whose license application has been approved pending receipt of the license fee **or additional requirements** must submit the license fee **or documentation** **satisfactory to the board that the additional requirements have been met** to the department within six months after being notified that the license application was approved. An applicant who does not submit the license fee **or additional requirements** to the department within six months after being notified that the license application was approved must reapply for licensure.

(d) In this section, "application form or verification" means

(1) an application for a license or permit;

(2) a verification of licensure from an appropriate licensing authority in a state, territory, province, or other country; or

(3) fingerprint information described in 12 AAC 79.130. (Eff. 4/17/2019, Register 230; am ____/____/_____, Register _____)

Authority: AS 08.61.020

12 AAC 79.930 is amended to read:

12 AAC 79.930. Regulation of massage therapy establishments. (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

(1) a completed application form provided by the department;

(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the establishment standards of operation adopted by reference in 12 AAC 79.900; [AND]

(3) the fee required under 12 AAC 02.396; **and**

(4) documentation of a current business license in this state.

(b) A massage therapy establishment is exempt from complying with (a) and (c) of this section if the majority owner of the massage therapy establishment business is a currently licensed

(1) acupuncturist under AS 08.06;

(2) chiropractor under AS 08.20;

(3) naturopath under AS 08.45;

(4) massage therapist under AS 08.61;

(5) physician, osteopath, mobile intensive care paramedic, or physician assistant under AS 08.64;

(6) direct-entry midwife under AS 08.65;

(7) advanced practice registered nurse under AS 08.68; or

(8) physical or occupational therapist under AS 08.84.

(c) The owner or manager of a massage therapy establishment shall notify the department in writing by submitting the requirements of (a) of this section for a new registration not later than 30 [BUSINESS] days following any change in ownership [OR PHYSICAL LOCATION] of the massage therapy establishment.

(d) The owner or manager of a massage therapy establishment shall notify the department in writing not later than 30 days following a change in physical location by submitting

(1) a completed form provided by the department; and

(2) a completed self-inspection report form described under (a)(2) of this section.

(e) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered years by submitting

(1) a complete registration renewal form; and

(2) the registration renewal fee required under 12 AAC 02.396.

(f) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.

(g) The department will maintain a registry of all massage therapy establishments registered with the board.

(h) [(e)] In this section, "massage therapy establishment" means a fixed or mobile place of business that

(1) **is** [IS] owned by a natural person, partnership, limited partnership, corporation, company, limited liability company, or other entity;

(2) engages in, conducts, or permits massage or massage therapy to be conducted for any form of compensation, or uses the word "massage" in any solicitation or advertisement.

(Eff. 3/25/2020, Register 233; am ___ / ___ / _____, Register _____)

Authority: **AS 08.01.100** AS 08.61.020

12 AAC 79 is amended by adding a new section to read:

12 AAC 79.940. Unregistered massage therapy establishment investigation. Unless exempt from registration under 12 AAC 79.930(b), if an inspection or complaint of an

Register _____, _____ 2021 **PROFESSIONAL REGULATIONS**

unregistered massage therapy establishment results in an investigation, the unregistered massage therapy establishment owner shall pay the investigation fee required by 12 AAC 02.396 to the department for each investigation. (Eff. ____/____/_____, Register _____)

Authority: AS 08.01.065 AS 08.61.020

Maiquis, Jun C (CED)

From: Maiquis, Jun C (CED)
Sent: Wednesday, February 10, 2021 5:29 PM
To: Rep. Sarah Vance
Cc: mtb.dave@edwards-smith.com
Subject: RE: Notice of Proposed Regulations (Board of Massage Therapists)

Hello Representative Sarah Vance. Thank you for taking the time to comment.

Effective July 1, 2019, under House Bill 110 (Section 2, Chapter 10, SLA 2018), the legislature gave the Board of Massage Therapists authority to regulate massage therapy establishments. The legislature and the board understand there is a high potential of human and sex trafficking in the massage therapy industry. The board feels it is necessary to ensure massage therapy establishments adhere to certain national professional standards. Implementing the registration process, self-inspection, and Establishment Standards of Operation, will benefit the massage therapy profession and legitimate massage businesses. The regulation of establishments will assist law enforcement in identifying illicit massage establishments that negatively impact legitimate businesses, as well as the board investigator while investigating a complaint. The board has responded and implemented regulations for massage therapy establishments which took effect on March 25, 2020; and in conjunction with the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, the division implemented applicable fees requirement to conform with the board regulations to cover the costs of the activities related to regulating massage therapy establishments which includes fee for each investigation of an unregistered massage therapy establishment. The proposed new section under 12 AAC 79.940 deals with unregistered massage therapy establishment investigation and it conforms to the fee established on March 25, 2020 by the division. This new proposal will apply if a complaint has been filed or an inspection results in an investigation of an unregistered massage therapy establishment. The unregistered establishments will be charged the fee to pay for the investigation costs. This fee will not be charged to a registered massage therapy establishment or one that is exempt under 12 AAC 79.930(b). Hope this helps, and if you have further questions, please feel free to contact me and Board Chair Dave Edwards-Smith.

Thank you,
Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
(907) 465-2537
jun.maiquis@alaska.gov

From: Rep. Sarah Vance [mailto:Rep.Sarah.Vance@akleg.gov]
Sent: Tuesday, February 9, 2021 6:07 PM
To: Maiquis, Jun C (CED) <jun.maiquis@alaska.gov>
Subject: RE: Notice of Proposed Regulations (Board of Massage Therapists)

Dear Jun,
Thank you for the information.
Would you provide the background and justification for regulation proposal #5?
12 AAC 79.940. Unregistered massage therapy establishment investigation, is a proposed new section requiring an unregistered massage therapy establishment to pay an investigation fee required by 12 AAC 02.396, if investigated.

Respectfully,

Representative Sarah Vance

Alaska State House
District 31: Kasilof, Funny River, Ninilchik, Nikolaevsk, Anchor Point, Homer, Kachemak City
270 W. Pioneer Ave.
Homer, AK 99603
907-235-2921
Rep.Sarah.Vance@akleg.gov

From: Maiquis, Jun C (CED) <jun.maiquis@alaska.gov>
Sent: Tuesday, February 9, 2021 3:39 PM
To: GOV All Legislators <GOV.AllLegislators@alaska.gov>; Lieutenant Governor Kevin Meyer (GOV sponsored) <lt.governor@alaska.gov>
Cc: Demboski, Amy L (CED) <amy.demboski@alaska.gov>; Chambers, Sara C (CED) <sara.chambers@alaska.gov>; Walsh, Sharon J (CED) <sharon.walsh@alaska.gov>; Kautz, Colleen K (CED) <colleen.kautz@alaska.gov>; Childress, Chelsea S (CED) <chelsea.childress@alaska.gov>; Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Sullivan, Emily W (CED) <emily.sullivan@alaska.gov>
Subject: Notice of Proposed Regulations (Board of Massage Therapists)

The Board of Massage Therapists proposes to adopt regulations regarding licensure and continuing education requirements, and massage therapy establishment renewal and change of location requirements.

For more information, please open the attached copy of the notice.

Thank you,

Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
(907) 465-2537
jun.maiquis@alaska.gov

Maiquis, Jun C (CED)

From: handsonhealthandwellness <handsonhealthandwellness@gmail.com>
Sent: Thursday, February 11, 2021 4:59 PM
To: Regulations and Public Comment (CED sponsored)
Subject: RE: Notice of Proposed Regulations (DCCED/CBPL - Occ. Lic. Fees for Board of Massage Therapists 12 AAC 02.396)

To whom it may concern,

I am completely against charging LMTs more fees and further a establishment fees. Ontop of all the additional hurdles we have faced with Covid,.now the licensing people find it appropriate to charge us even more? This is extortion and we are being charged more then most other professions while having to maintain our CEUs, office rents and general overhead. I'm not sure how much money you feel we are making and you all are entitled to but we are struggling and squeezing our already worn purse strings a it is. It is just heartbreaking and un American. Let us work in peace please, we are already under so much stress trying to comply with PPEs and keeping our clients safe while helping them meet their needs that is just asinine to be harassed and expected to dump off more money while none of us are operating at 100%. Give us a break.

Sincerely,

Mary Andrews

Sent via the Samsung Galaxy Note20 5G, an AT&T 5G smartphone

----- Original message -----

From: "Regulations and Public Comment (CED sponsored)" <regulationsandpubliccomment@alaska.gov>
Date: 2/11/21 3:29 PM (GMT-10:00)
To:
Subject: Notice of Proposed Regulations (DCCED/CBPL - Occ. Lic. Fees for Board of Massage Therapists 12 AAC 02.396)

Dear Licensee,

The Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing proposes to add massage therapy establishment biennial registration renewal fee and massage therapy establishment change of location fee for professions regulated by the Board of Massage Therapists.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development

Maiquis, Jun C (CED)

From: Rhema Smith <akarea83@gmail.com>
Sent: Thursday, February 11, 2021 11:38 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Re: Notice of Proposed Regulations (DCCED/CBPL - Occ. Lic. Fees for Board of Massage Therapists 12 AAC 02.396)

Thank you for the information.

However I must say that in these times of challenge for any business and with many tightening their wallets, this proposed cost of \$300 for registration of a business seems very high. Alaska licensure renewal already costing much more than in other states. For many keeping a relevant license work can be very part time or maybe even seasonal. I think this proposal is untimely and poorly thought out for business license holders in seasonal settings.

On Thu, Feb 11, 2021 at 5:29 PM Regulations and Public Comment (CED sponsored)
<regulationsandpubliccomment@alaska.gov> wrote:

Dear Licensee,

The Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing proposes to add massage therapy establishment biennial registration renewal fee and massage therapy establishment change of location fee for professions regulated by the Board of Massage Therapists.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development

Maiquis, Jun C (CED)

From: Spencer, Cynthia R (CED)
Sent: Friday, February 12, 2021 6:53 AM
To: Regulations and Public Comment (CED sponsored)
Subject: FW: LMT regulations

From: handsonhealthandwellness <handsonhealthandwellness@gmail.com>
Sent: Thursday, February 11, 2021 6:16 PM
To: Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>
Subject: LMT regulations

To whom it may concern,

I am completely against charging LMTs more fees and further an establishment fee. Ontop of all the additional hurdles we have faced with Covid, now the licensing people find it appropriate to charge us even more? This is extortion and we are being charged more than most other professions while having to maintain our CEUs, office rents and general overhead. I'm not sure how much money you feel we are making and you all are entitled to but we are struggling and squeezing our already worn purse strings a it is. It is just heartbreaking and un Alaskan how downhill Massage Therapy has gone since introducing a board as well as the amazing LMTs I've watched retire because of it and I have seen nothing other than an increase in out of pocket costs and longer wait times for new and existing licensing. Let us work in affordable peace please, we are already under so much stress trying to comply with PPEs and keeping our clients safe while helping them meet their needs that is just asinine to be harassed for money we do not have while none of us are operating at 100%. Having to pay each renewal for fingerprints is also absurd as you should already have our records from previous years... Give us a break PLEASE.

Sincerely,

Mary Andrews

0

Maiquis, Jun C (CED)

From: Jaclyn Hernandez <birch.body@gmail.com>
Sent: Friday, February 12, 2021 12:10 PM
To: Regulations and Public Comment (CED sponsored)
Subject: New Massage Regulations - Fee

I'm hoping that I misunderstood the most recent release of the proposed regulation regarding adding a \$300 biannual "locations establishment fee". I am 1,000% against paying an additional \$300 every other year. What about Travel LMT's or LMT's that subleases the same building? There are too many things wrong with this fee. Please clarify to the public more information, or get rid of this completely. When will the board meet about this. hundreds of therapists in the state along with myself will oppose this.

Thank you,
Jaclyn Hernandez LMT

Maiquis, Jun C (CED)

From: Beatrice Caujolle <bslc22@gmail.com>
Sent: Monday, February 15, 2021 4:16 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Re: Notice of Proposed Regulations (Alaska Board of Massage Therapists 12 AAC 79.110 - .940)
Attachments: MAS-Notice-0221.pdf

Due to Covid my office

A

Certain charm in Juneau Alaska closed December 31, 2020.

On Feb 11, 2021, at 4:37 PM, Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov> wrote:

Dear Licensee,

The Board of Massage Therapists proposes to adopt regulations regarding licensure and continuing education requirements, and massage therapy establishment renewal and change of location requirements.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,
Alaska Board of Massage Therapists

Maiquis, Jun C (CED)

From: Alaska Online Public Notices <noreply@state.ak.us>
Sent: Thursday, February 18, 2021 3:23 PM
To: Maiquis, Jun C (CED)
Subject: New Comment on NOTICE OF PROPOSED CHANGES RELATING TO LICENSE REQUIREMENTS, CONTINUING EDUCATION, AND MASSAGE THERAPY ESTABLISHMENTS IN THE REGULATIONS OF THE ALASKA BOARD OF MASSAGE THERAPISTS

A new comment has been submitted on the public notice [NOTICE OF PROPOSED CHANGES RELATING TO LICENSE REQUIREMENTS, CONTINUING EDUCATION, AND MASSAGE THERAPY ESTABLISHMENTS IN THE REGULATIONS OF THE ALASKA BOARD OF MASSAGE THERAPISTS](#).

Submitted:

2/18/2021 3:23:14 PM

Palmer, AK, US
Anonymous User

Comment:

I am against all the new proposed amendments to the massage therapy regulations. I feel we already jump through too many hoops to do our job. At this time, when covid has had a large impact on our profession, the last thing we need to do is make it harder on us. If we do adopt more amendments, they need to make it easier or cheaper to keep our licenses, not more difficult!

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

Maiquis, Jun C (CED)

From: Woda Botanicals <wodabotanicals@gmail.com>
Sent: Tuesday, February 23, 2021 11:45 AM
To: Regulations and Public Comment (CED sponsored)
Subject: Massage "establishment" license

The following is my comment on the proposed regulation 12 AAC 79.930. Regulation of massage therapy establishments.

I am concerned that this regulation creates confusion for small businesses. I am the owner of a small retail health food store, my business is only solvent because I am able to share rental space, and the costs associated with the rental with a massage therapist. It is not clear whether this regulation would affect my business as I am the primary lease holder, and be attached to the physical location, or whether the proposed regulation and fee would be attached to any massage therapist who practices in my rental space.

Additionally, even with only a basic understanding of the Massage Therapy industry I am aware that it is common for a massage therapist to work at multiple locations during a given week, and/or rent a space for only a few months while they are building their business before transitioning to a more suitable location. This regulation, as proposed seems to add undue administrative complications to established business models common to massage therapy profession. As proposed this regulation would require a LMT to fill out paperwork and pay a \$65 fee every time they move or add a location within a 2 year period, I do not see any benefit to the public of this type of unnecessary administrative obstacle course.

Finally, I would really like more information on this proposed regulation, as presented across the multiple pdfs on the website, it is completely unclear if or how this would impact me as a primary stakeholder - someone whose business is dependent on providing a physical location for massage therapists to practice. Specifically, can I even apply for and hold this registration/license being someone who is not a massage therapist myself or will each LMT who comes to practice in my space be required to complete the proposed process?

Access to good quality bodywork is an essential component to health and wellbeing, building more administrative tasks for providers works against this goal.

Thank you,

Carolyn Westbrook, owner
Woda Botanicals
Homer, AK 99603
(907) 299-9154
wodabotanicals@gmail.com

Maiquis, Jun C (CED)

From: caroleen@gci.net
Sent: Sunday, February 21, 2021 12:19 PM
To: Regulations and Public Comment (CED sponsored)
Subject: New Massage Therapy Rules Proposed for Alaska

To: Jun Maiquis, Regulations Specialist

Hi, My name is Caroleen Monnseratt and I am a Licensed Massage Therapist working in Anchorage, Alaska. I own my own business "Caroleen's" and have had this business for over 20 years. I have some questions/concerns to the "Proposed New Massage Therapy Rules".

1. 12 AAC 79.110 – Application of licensure by credentials: All massage therapists who are licensed within Alaska most likely are also Nationally Certified with the NCTMB. Plus are either insured through ABMP or AMTA. Both these organizations already require a certain number of CEU's and CPR/BLS. So I am okay with the State of Alaska requiring this information. I am wondering how many hours of CEU will the State of Alaska require??? More than NCTMB?? If so, why??
2. 12 AAC 79.210 – Continuing education requirements: Will it be mandatory to attend 75% of a board meeting every 2 years?? Also, how will LMT's be able to attend? Zoom call??? How will the State of Alaska know we attended 75% of a board meeting. Why is this even necessary??? I do not agree to this at all.
3. 12 AAC 79.920 – Application form and verifications of licensure: This does not make sense to me at all. Have no idea what this means. If LMT's are already licensed within the State of Alaska, this should not apply to them.
4. 12 ACC 79.930 – Regulation of massage therapy establishments: Once again no idea what this means. If LMT's are already licensed with the State of Alaska why is this needed???
5. 12 AAC 79.940 – Unregistered massage therapy establishment investigation: I had the understanding that all LMT's within the State of Alaska need to be licensed, regardless if they work for a Chiropractic, Massage Therapy, or Acupuncture clinic. So I do not understand why this is needed. However, I am okay with this being added because I personally believe all LMT's within the State of Alaska should be licensed.
6. 12 AAC 02.396 – Board of Massage Therapists registration renewal fees: WHY????? At this point in time with COVID-19 and many businesses losing clients and income is lower than before COVID-19, does the State of Alaska what to raise our fees. I cannot believe how much we pay to renew our licenses anyway within the State of Alaska. I believe we only need our fingerprints done once every 3 renewals (6 years). Why???? My fingerprints have not changed. Background checks I can understand. Why though is there an additional fee to process these? LMT's who are already established within the State of Alaska should not have to pay the \$200.00 initial license or the \$290.00 for the LMT license fee for all or part of the initial biennial licensing period. What is this nonrefundable massage therapy establishment registration fee of \$300.00. WHY!!!!!! Processing fee for fingerprints \$60.00, why????? Our renewal fee every 2 years for \$290.00 is too high. Should be lower. If I am reading this proposed regulation correctly I will be paying the State of Alaska 590.00 every 2 years and on the year I redo my fingerprints an additional \$60.00. WHY????? Is the State of Alaska trying to put independent LMT Business Owners out of business???

I hope this e-mail gets to all Massage Therapists Board members prior to the meeting to discuss these proposed rules.

Thank you.

Namaste'

Caroleen T. Monnseratt, BP, LMT, NCTMB

(907) 333-8225 – work/home
(907) 301-2186 – cell/text
caroleen@gci.net

MAILING ADDRESS: 11605 Loveland Circle
Eagle River, AK 99577

BUSINESS ADDRESS: 6511 E. 8th Avenue, Apt. #2
Anchorage, AK 99504

STATE OF ALASKA LICENSE NUMBER: 101371

Maiquis, Jun C (CED)

From: Woda Botanicals <wodabotanicals@gmail.com>
Sent: Tuesday, February 23, 2021 11:45 AM
To: Regulations and Public Comment (CED sponsored)
Subject: Massage "establishment" license

The following is my comment on the proposed regulation 12 AAC 79.930. Regulation of massage therapy establishments.

I am concerned that this regulation creates confusion for small businesses. I am the owner of a small retail health food store, my business is only solvent because I am able to share rental space, and the costs associated with the rental with a massage therapist. It is not clear whether this regulation would affect my business as I am the primary lease holder, and be attached to the physical location, or whether the proposed regulation and fee would be attached to any massage therapist who practices in my rental space.

Additionally, even with only a basic understanding of the Massage Therapy industry I am aware that it is common for a massage therapist to work at multiple locations during a given week, and/or rent a space for only a few months while they are building their business before transitioning to a more suitable location. This regulation, as proposed seems to add undue administrative complications to established business models common to massage therapy profession. As proposed this regulation would require a LMT to fill out paperwork and pay a \$65 fee every time they move or add a location within a 2 year period, I do not see any benefit to the public of this type of unnecessary administrative obstacle course.

Finally, I would really like more information on this proposed regulation, as presented across the multiple pdfs on the website, it is completely unclear if or how this would impact me as a primary stakeholder - someone whose business is dependent on providing a physical location for massage therapists to practice. Specifically, can I even apply for and hold this registration/license being someone who is not a massage therapist myself or will each LMT who comes to practice in my space be required to complete the proposed process?

Access to good quality bodywork is an essential component to health and wellbeing, building more administrative tasks for providers works against this goal.

Thank you,

Carolyn Westbrook, owner
Woda Botanicals
Homer, AK 99603
(907) 299-9154
wodabotanicals@gmail.com

Maiquis, Jun C (CED)

From: Mariah Mccauley <sexysavage707@gmail.com>
Sent: Tuesday, February 23, 2021 1:39 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Re: Notice of Proposed Regulations (DCCED/CBPL - Occ. Lic. Fees for Board of Massage Therapists 12 AAC 02.396)

Hello,
I have been trying to get my massage license for well over a year now! I promise there are hundreds of us angry and very discouraged. The audacity of adding these terms with the incompetence and failure of your office is absurd! I could have been employed 90% of this pandemic but it's IMPOSSIBLE to reach anyone. I have for filled all requirements! Paid all my fees even sent everything from my end certified mail to prove I have done my part. There was no six month stipulation when I started and if you try to implement this to those of us started before this I promise repercussions. I have all my emails, dates and times of every phone call made and visit to my local license office documented! I'm a single Mom and raised four kids alone being a massage therapist the last 20+ years! I have work at some of the top spas in the nation! Been their lead therapist! I am trained in 32 modalities have worked for a professional football team and trained hundreds in a modality I am working on patenting! I have been a therapist to the famous, to people in the white house! The ONLY reason I don't have my license in your state today is because of the negligence of your office! I have been offered more then twenty jobs here and the only reason I didn't except any of because the State of Alaska board of massage office is unreachable and isn't doing their job! I want to be contacted and by the head of this department! My phone number is 907-406-5998! I hope that this office can rectify the hundreds of us you gave failed before trying to implement or put this in place. Thank you for your time.

Mariah McCauley

On Thu, Feb 11, 2021, 4:29 PM Regulations and Public Comment (CED sponsored)
<regulationsandpubliccomment@alaska.gov> wrote:

Dear Licensee,

The Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing proposes to add massage therapy establishment biennial registration renewal fee and massage therapy establishment change of location fee for professions regulated by the Board of Massage Therapists.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development

Maiquis, Jun C (CED)

From: Deanna Cresap <deanna.cresap@gmail.com>
Sent: Sunday, February 28, 2021 8:40 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Re: Notice of Proposed Regulations (Alaska Board of Massage Therapists 12 AAC 79.110 - .940)

Why the 300.00 fee on top of a license fee on line 7. Thank you, Deanna

On Thu, Feb 11, 2021, 4:12 PM Regulations and Public Comment (CED sponsored)
<regulationsandpubliccomment@alaska.gov> wrote:

Dear Licensee,

The Board of Massage Therapists proposes to adopt regulations regarding licensure and continuing education requirements, and massage therapy establishment renewal and change of location requirements.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,

Alaska Board of Massage Therapists

Maiquis, Jun C (CED)

From: DekCat <dekcat@alaska.net>
Sent: Monday, March 1, 2021 12:29 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Massage requirement changes

Dear Jun Maiquis:

I have attempted to answer these questions on my own, but am having no luck and didn't find them on the FAQ page. Here they are:

1. What is an establishment?
2. Who is affected by having an establishment?
3. What problem is this solving?
4. \$300 on top of relicensing fees biennially seems excessive (not a question, sorry).
5. I thought already document CPR recertification for licensure renewal.

Thank you for your time and attention.

Catherine Turner, LMT #124269

P. O. Box 602

Sterling, AK 99672

907-262-7806 land line with recorder

907-280-9500 cell/text/voice mail

Maiquis, Jun C (CED)

From: Alaska Online Public Notices <noreply@state.ak.us>
Sent: Wednesday, March 3, 2021 12:11 AM
To: Maiquis, Jun C (CED)
Subject: New Comment on NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR PROFESSIONS REGULATED BY THE BOARD OF MASSAGE THERAPISTS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

A new comment has been submitted on the public notice [NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR PROFESSIONS REGULATED BY THE BOARD OF MASSAGE THERAPISTS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT](#).

Submitted:

3/3/2021 12:11:29 AM

Yuma, AZ, US
Anonymous User

Comment:

To: Alaska Board of Massage

I am a long time Massage Therapist; licensed since 1997 in the State of Alaska. I practice my Occupation On-site; to bed ridden (or) private location(s); within the boarders of Alaska. This proposal of over reaching; control over my location to Private Practice; not excepted. I reject proposal; you do not have standing to dictate where I hold my business on a day.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

Maiquis, Jun C (CED)

From: Crane Jordan Cook <medicine4light@gmail.com>
Sent: Tuesday, March 9, 2021 12:43 PM
To: Regulations and Public Comment (CED sponsored)
Subject: RE: Notice of Proposed Regulations (DCCED/CBPL - Occ. Lic. Fees for Board of Massage Therapists 12 AAC 02.396)

To Whom it May concern,

Please hear my comment as it is a valid one coming from a long time LMT and resident of Alaska. If the board adopts the new establishment fees it will greatly affect my ability as an independent massage therapist to make ends meet. I am currently working out of a private space independently and barely covering expenses. As a single mom enduring the hardships of the pandemic this year and last do you really think it is fair to add another unnecessary expense to my cost of living just so I can maintain a career instead of ending up on all of the financial hardship programs I may or may not fit into. I would much rather stay afloat maintaining my own business in this and future years. Looking at the proposed regulations it seems that I would be stuck with a full massage establishment fee just for the one little space that I independently occupy as a massage therapist. If I have to work at other locations in order to find work, will that demand that I am stuck with even more fees? How is this regulation necessary when it so greatly affects the livelihood of so many of us independent LMTs just barely scraping by?

Thank you for hearing my concerns. Please find it in your heart to consider the validity of this opinion.

Crane Jordan Jackinsky LMT

Sent from [Mail](#) for Windows 10

From: [Regulations and Public Comment \(CED sponsored\)](#)
Sent: Thursday, February 11, 2021 4:26 PM
Subject: Notice of Proposed Regulations (DCCED/CBPL - Occ. Lic. Fees for Board of Massage Therapists 12 AAC 02.396)

Dear Licensee,

The Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing proposes to add massage therapy establishment biennial registration renewal fee and massage therapy establishment change of location fee for professions regulated by the Board of Massage Therapists.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development

Maiquis, Jun C (CED)

From: Richard Verreydt <rverreydt@gmail.com>
Sent: Friday, March 12, 2021 3:57 PM
To: Regulations and Public Comment (CED sponsored); advancedbw@gmail.com
Subject: Public Comment - Massage Therapy Regulations
Attachments: aws.state.ak.us (1).pdf

Pleasure find my comments attached.
Kimberly Verreydt LMT

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(Words in boldface and underlined indicate language being added, words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

Chapter 79. Massage Therapists.

12 AAC 79.110 is amended to read

12 AAC 79.110. Application for licensure by credentials. (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section must submit

(1) a completed application, on a form provided by the department, the completed application must include

(A) the personal identification information requested on the form.

(B) information related to the grounds of disciplinary sanctions under

AS 08.61.060;

(C) the applicant's fingerprint information described in 12 AAC 79.110.

This should only be required once.

and

(D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396.

(2) verification, sent directly from the appropriate agency to the division office, that the applicant

(A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state, or

(B) is certified by a board-approved credentialing entity, and

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(3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

(c) The board will, in its discretion, require additional documentation to substantiate the education claimed by the applicant prior to approving an applicant for licensure by credentials. (EIT 1/17/2016, Register 217; am 4/17/2019, Register 230; am 3/25/2020, Register 233; am ____/____/____, Register _____)

Authority: AS 08.61.020 AS 08.61.040 AS 08.61.090
AS 08.61.030

12 AAC 79.210 is amended to read

12 AAC 79.210. Continuing education requirements. (a) An applicant for renewal of a massage therapy license.

(1) for a biennial licensing period that begins on or after July 1, 2015, must document at least six continuing education credits, all of which may be met through Internet-based continuing education courses,

(2) for a biennial licensing period that begins on or after July 1, 2017, must document completion of at least 16 continuing education credits during the concluding licensing period, all of which may be met through Internet-based continuing education courses;

(3) for every other biennial licensing period that begins on or after October 1, 2019, must document that a minimum of two of the 16 continuing education credits required under (2) of this subsection are in ethics;

(4) must document completion of a cardiopulmonary resuscitation course as required by 12 AAC 79.200(h)(4).

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(b) An applicant for renewal under (a)(2) of this section may receive one hour of continuing education credit for completion of hands-on cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

Why cannot this be offered online and count towards 2 credits?

(c) On or before June 30, 2019, an applicant for renewal under (a)(2) of this section may receive four hours of continuing education credit for completion of a bloodborne pathogen and universal and standard precautions course once every six years.

(d) On or after July 1, 2019, an applicant for renewal under (a)(2) of this section may receive two hours of continuing education credit for completion of a bloodborne pathogen and universal and standard precautions course once every six years.

Bloodborne pathogen training should be available through any accredited health care or medical provider.

(e) Continuing education must be completed through a

(1) board-approved massage therapy, or bodywork therapy, school or training program.

(2) regionally or nationally accredited institution of higher education, a course, seminar, workshop, or other program through that institution must be approved by the board as directly related to the skills and knowledge required for the practice of massage therapy, and include a bloodborne pathogen and universal and standard precautions course under (c) or (d) of this section, or

(3) local, state, or national professional organization that serves the massage therapy profession, including

- (A) Associated Bodywork and Massage Professionals,
- (B) the American Massage Therapy Association,
- (C) the Federation of State Massage Therapy Boards, and
- (D) the National Certification Board for Therapeutic Massage and

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Bodywork

(f) For the purposes of this section,

(1) one continuing education credit equals one hour of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours

(g) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make the records available to the board upon request under 12 AAC 79.220. Records must be retained for four years from the date the contact hours were obtained.

(h) An applicant for renewal under (a) of this section may receive three (0Nls) continuing education credit (CRRDU) for attending at least 25 (60) percent of a regularly scheduled board meeting once every biennial licensing period.

I do NOT support this. This does nothing to further education/training within our industry.

(i) An applicant for renewal under (a) of this section who has been licensed more than 90 days but less than 12 months of the concluding biennial license period is not required to submit proof of completion of continuing education (Eff. 5/28/2016, Register 218, am 7/15/2016, Register 219, am 7/5/2017, Register 223, am 4/17/2019, Register 230, am 3/25/2020, Register 233, am ____/____/____, Register _____)

Authority: AS 08.61.020 AS 08.61.030 AS 08.61.050

12 AAC 79.920 is amended to read

12 AAC 79.920. Application form and verifications for licensure. (a) If, upon receipt by the division of the last document required to complete an application file, the file contains an application form or verification that has a postmark date that is more than six months old, the

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document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the board or the board's designee

(b) Verifications from massage schools and programs will not be considered stale under (a) of this section.

(c) An applicant whose license application has been approved pending receipt of the license fee or additional requirements must submit the license fee or documentation satisfactory to the board that the additional requirements have been met to the department within six months after being notified that the license application was approved. An applicant who does not submit the license fee or additional requirements to the department within six months after being notified that the license application was approved must reapply for licensure.

(d) In this section, "application form or verification" means

(1) an application for a license or permit,

(2) a verification of licensure from an appropriate licensing authority in a state, territory, province, or other country, or

(3) fingerprint information described in 12 AAC 79 130 (EIT. 4/17/2019, Register 230, am ____/____/____, Register _____)

Authority: AS 08.61.020

12 AAC 79 930 is amended to read:

12 AAC 79.930. Regulation of massage therapy establishments. (a) A massage therapy establishment, unless exempted under (b) of this section, must register with the board by submitting

(1) a completed application form provided by the department.

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(2) a notarized, completed self-inspection report form provided by the department, including certification of compliance with the establishment standards of operation adopted by reference in 12 AAC 79.900; [AND]

(3) the fee required under 12 AAC 02.396; and

(4) documentation of a current business license in this state

(b) A massage therapy establishment is exempt from complying with (a) and (c) of this section if the majority owner of the massage therapy establishment business is a currently licensed

(1) acupuncturist under AS 08.06,

(2) chiropractor under AS 08.20,

(3) naturopath under AS 08.45;

(4) massage therapist under AS 08.61,

(5) physician, osteopath, mobile intensive care paramedic, or physician assistant under AS 08.64,

(6) direct-entry midwife under AS 08.65,

(7) advanced practice registered nurse under AS 08.68, or

(8) physical or occupational therapist under AS 08.84.

(c) The owner or manager of a massage therapy establishment shall notify the department in writing by submitting the requirements of (a) of this section for a new registration not later than 30 [BUSINESS] days following any change in ownership [OR PHYSICAL LOCATION] of the massage therapy establishment

(d) The owner or manager of a massage therapy establishment shall notify the department in writing not later than 30 days following a change in physical location by submitting

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(1) a completed form provided by the department; and

(2) a completed self-inspection report form described under (a)(2) of this section.

(c) A massage therapy establishment required to be registered under this section must renew the registration on or before September 30 of every odd-numbered year by submitting

(1) a complete registration renewal form; and

(2) the registration renewal fee required under 12 AAC 02.396.

(f) A massage therapy establishment owner must notify the department in writing not later than 15 days after the establishment ceases operations.

(g) The department will maintain a registry of all massage therapy establishments registered with the board.

(h) [(c)] In this section, "massage therapy establishment" means a fixed or mobile place of business that

(1) is [IS] owned by a natural person, partnership, limited partnership, corporation, company, limited liability company, or other entity.

(2) engages in, conducts, or permits massage or massage therapy to be conducted for any form of compensation, or uses the word "massage" in any solicitation or advertisement (Eff 3/25/2020, Register 233; am ____ / ____ / ____, Register _____)

Authority: AS 08.01.100 AS 08 61.020

12 AAC 79 is amended by adding a new section to read

12 AAC 79.940. Unregistered massage therapy establishment investigation. Unless exempt from registration under 12 AAC 79 930(b), if an inspection or complaint of an

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unregistered massage therapy establishment results in an investigation, the unregistered massage therapy establishment owner shall pay the investigation fee required by 12 AAC 02.396 to the department for each investigation (Eff. ____/____/____, Register _____)

Authority: AS 08.01.065 AS 08.61.020

Maiquis, Jun C (CED)

From: Tiffany Lund <Tiffany.Lund@akleg.gov>
Sent: Friday, March 12, 2021 3:16 PM
To: Regulations and Public Comment (CED sponsored)
Cc: McCarty, Kenneth E (LEG)
Subject: Massage Therapy proposed regulation changes
Attachments: Massage Therapist Proposed Changes.pdf

Please see the attached public comment from Representative McCarty regarding the Massage Therapy proposed regulation changes.

Thank you,

Tiffany Lund
Staff to [Representative Ken McCarty](#)
907-465-3783
www.repkenmccarty.com

ALASKA STATE LEGISLATURE

Interim – May-December:
1500 W. Benson Blvd.
Anchorage, AK 99503
907-334-2630



Session – January-April:
State Capitol
Juneau, AK 99801
907-465-3783

Representative Ken McCarty

Rep.Ken.McCarty@akleg.gov

March 12, 2021

Jun Maiquis
Regulations Specialist
Division of Corporations, Business and Professional Licensing
P.O Box 110806
Juneau, AK 99811

Re: Board of Massage Therapists Proposed Regulation Changes

As a small business owner and longtime member of Alaska's healthcare and wellness community, I strongly oppose the proposed regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, regarding occupational licensing fees for professionals regulated by the Board of Massage Therapists.

The proposed addition of a \$300 biennial massage therapy establishment registration renewal fee will not only add an increased financial burden to day spas and massage therapists, but also chiropractic, physical therapy, and athletic training businesses as well.

Adding additional expenses to small businesses who are only beginning to recover the losses from closures due to the Covid-19 pandemic is not helpful. This proposal is also in stark contrast to the 'Open for Business' legislation that Governor Dunleavy introduced in January of this year.

Additionally, establishing a change of location fee is an unfair, arbitrary money grab that is not currently being imposed on any other industry. It is my belief that this proposed change is an attempt to deter illicit and illegal activity that occasionally occurs in massage therapy establishments. Imposing additional fees on an entire industry in hopes of decreasing the criminal behavior of a few is punitive and illogical. It will not reduce the criminal behavior, but will unjustly punish the law-abiding and upstanding businesses, of which there are many.

I strongly urge the department to reject the above-mentioned regulation changes. I suggest that the department reevaluate their strategies and budget for the occupational licensing program for

Page 2
Jun Maiquis
March 12, 2021

the Board of Massage Therapists, and make appropriate cuts if shortfalls exist. This is a time for Alaska residents, small businesses, and corporations to live within their means, without increased state government imposition, especially in this time of financial uncertainty.

Thank you,

A handwritten signature in blue ink, appearing to read "Ken McCarty". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Representative Ken McCarty
District 13-Chugiak/Eagle River/JBER